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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/590,208	04/02/2007	Pierre Chapet	P50298	5086
40/401 7590 05/26/2010 Hershkovitz & Associates, LLC 2845 Duke Street Alexandria, VA 22314				
EXAMINER SAVUSDIPHOL, PAULTEP				
ART UNIT 2876		PAPER NUMBER		
NOTIFICATION DATE 05/26/2010		DELIVERY MODE ELECTRONIC		

**Please find below and/or attached an Office communication concerning this application or proceeding.**

The time period for reply, if any, is set in the attached communication.

Notice of the Office communication was sent electronically on above-indicated "Notification Date" to the following e-mail address(es):

USPTO@hershkovitz.net  
patent@hershkovitz.net

# Office Action Summary

**Application No.**

10/590,208

**Applicant(s)**

CHAPET, PIERRE

**Examiner**

Paultep Savusdiphol

**Art Unit**

2876

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 02 April 2007.  
2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.  
3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 39-64 is/are pending in the application.  
4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.  
5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.  
6) ☒ Claim(s) 39-64 is/are rejected.  
7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.  
8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.  
10) ☒ The drawing(s) filed on 22 August 2006 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).  
11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).  
a) ☒ All b) ☐ Some \* c) ☐ None of:  
1. ☐ Certified copies of the priority documents have been received.  
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.  
3. ☒ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- 1) ☐ Notice of References Cited (PTO-892)  
2) ☐ Notice of Draftperson's Patent Drawing Review (PTO-948)  
3) ☒ Information Disclosure Statement(s) (PTO/G6/6)  
Paper No(s)/Mail Date 4/2/2007, 7/6/2007 & 7/24/2008  
4) ☐ Interview Summary (PTO-413)  
Paper No(s)/Mail Date \_\_\_\_\_  
5) ☐ Notice of Informal Patent Application  
6) ☐ Other: \_\_\_\_\_

### **DETAILED ACTION**

Receipt is acknowledged of the preliminary amendment, filed on 4/2/2007, which has been entered in the file. Claims 1-38 have been canceled. Claims 39-64 have been newly added. Claims 39-64 are pending.

### ***Priority***

This application is a 371 of PCT/FR06/01557 filed 6/30/2006. Acknowledgment is made of applicant's claim for foreign priority under 35 U.S.C. 119(a)-(d), which papers have been placed of record in the file.

### ***Information Disclosure Statement***

Receipt is acknowledged of the information disclosure statements (IDS) filed on 4/2/2007, 7/6/2007 & 7/24/2008.

### ***Claim Rejections - 35 USC § 112***

The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

**Claims 52, 53, 62 & 63** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

Regarding **claims 52, 53, 62 & 63**: these claims depend directly from an apparatus claim, i.e.- claim 52 depends from claim 39 and claims 53, 62 & 63 depend

from claim 52, yet the limitations of these claims are directed to a method. It is unclear if an apparatus for forming the token was intended to be claimed or if these claims should be rewritten, claim 52 in independent form, including similar limitations found in claim 39.

***Claim Rejections - 35 USC § 102***

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

1. **Claims 39-51, 54-61 & 64** are rejected under 35 U.S.C. 102(b) as being anticipated by **Chapet et al. (US 6,264,109 B1)**.

Regarding **claim 39**, **Chapet** discloses a generally disc-shaped token (**92**) having a body produced by multiple injection of plastic material, the token comprising at least:

a generally disc-shaped core (**73**, **71**) of the body of the token produced by a first injection of plastic material and having a central portion defining the central portion of the body of said token and an annular peripheral portion defining at least part of an edge of said body of the token (Col. 1, lines 6-15, 20-27, Col. 4, Col. 10, lines 12-29 & Figs. 4-6 & 12); and

a covering layer produced by a second injection of plastic material around the peripheral portion of the core to produce in conjunction with the core one of, all or

almost all of the edge and of the annular peripheral portion of the body of the token (Col. 10, lines 12-29 & Fig. 12),

wherein the core of the token incorporates an insert embedded in the plastic material of the central portion of said body during the first injection and comprising a contactless electronic microchip identification device (**74, 76**) (Col. 1, lines 6-15, 20-27, Col. 4, lines 44-48 & Col. 5, lines 3-16).

Regarding **claim 40**, **Chapet** discloses the token according to claim 39, wherein, in the first injection, the core defines at least part of the annular peripheral portion of the body of the token (Col. 10, lines 12-29, 34-39 & Fig. 12).

Regarding **claim 41**, **Chapet** discloses the token according to claim 40, wherein, in the first injection, the core defines at least part of the annular peripheral portion of the token and the edge of the token by way of radial peripheral projections that are grouped (Col. 4, lines 32-45 & Figs. 1, 4 & 7).

Regarding **claim 42**, **Chapet** discloses the token according to claim 39, wherein, in conjunction with the core, said covering layer defines the annular peripheral portion and the edge of the body of the token except for housings provided with injected plastic material edge inclusions produced by at least one complementary injection (Col. 8, lines 24-54 & Figs. 4 & 12).

Regarding **claim 43**, **Chapet** discloses the token according to claim 39, wherein a peripheral region of the central portion of the core comprises a plurality of openings into which project portions of an insert which comprises said electronic microchip identification device (Col. 8, lines 33-44 & Figs. 4-6 & 12).

Regarding **claim 44**, **Chapet** discloses the token according to claim 43, wherein the core comprises at least three openings evenly distributed in a circumferential direction at the periphery of the central portion of the core (Col. 1, lines 6-15, 20-27, Col. 8, lines 5-51, Col. 10, lines 12-29 & Figs. 1, 4 & 12).

Regarding **claim 45**, **Chapet** discloses the token according to claim 43, wherein said portions of the insert projecting through openings in the core are sufficiently strong to hold the insert in place during injection of the core of the body of the token (Col. 8, lines 44-53).

Regarding **claim 46**, **Chapet** discloses the token according to claim 43, wherein a center of the central portion of the core has at least one recess on at least one of its faces (Col. 8, lines 65-67).

Regarding **claim 47**, **Chapet** discloses the token according to claim 43, wherein an internal portion of said peripheral portion of the core comprises a circular groove including through passages that are evenly distributed in a circumferential direction (Col. 1, lines 6-15, 20-27, Col. 8, lines 5-51, Col. 10, lines 12-29 & Figs. 4-6 & 12).

Regarding **claim 48**, **Chapet** discloses the token according to claim 47, wherein at least one of (a) said openings, (b) any recesses in the faces of the token and (c) said through passages are filled with plastic material by said second injection (Col. 8, lines 51-53 & Col. 9, lines 1-9).

Regarding **claim 49**, **Chapet** discloses the token according to claim 39, wherein the body of the token has on each face a cavity into which is fixed a label carrying at least one of a decoration, a mark and a hologram (Col. 8, lines 65-67).

Regarding **claim 50**, **Chapet** discloses the token according to claim 39, wherein the token is produced by injecting plastic materials of different colors (Col. 9, lines 1-9).

Regarding **claim 51**, **Chapet** discloses a generally disc-shaped token (**92"**) having a body produced by multiple injection of plastic material, the token comprising at least:

a generally disc-shaped core (**73"**, **71"**) of the body of the token produced by a first injection of plastic material and having a central portion defining the central portion of the body of said token and an annular peripheral portion defining at least part of an edge of said body of the token (Col. 1, lines 6-15, 20-27, Col. 4, Col. 10, lines 12-29 & Figs. 4-6 & 12); and

a covering layer produced by a second injection of plastic material around the peripheral portion of the core to produce in conjunction with the core one of, all or almost all of the edge and of the annular peripheral portion of the body of the token (Col. 10, lines 12-29 & Fig. 12),

wherein the core of the token incorporates an insert embedded in the plastic material of the central portion of said body during the first injection and comprising a contactless electronic microchip identification device (**74**, **76**) (Col. 1, lines 6-15, 20-27, Col. 4, lines 44-48 & Col. 5, lines 3-16);

in the first injection, the core defines at least part of the annular peripheral portion of the body of the token (Col. 5, lines 49-52, Col. 10, lines 12-29 & 34-39);

in conjunction with the core, said covering layer defines the annular peripheral portion and the edge of the body of the token except for housings provided with injected

plastic material edge inclusions produced by at least one complementary injection (Col. 10, lines 12-29 & 34-39 & Fig. 12);

a peripheral region of the central portion of the core comprises a plurality of openings into which project portions of an insert which comprises said electronic microchip identification device (Col. 1, lines 6-15, 20-27, Col. 8, lines 5-51, Col. 10, lines 12-29 & Fig. 12);

the core comprises at least three openings evenly distributed in a circumferential direction at the periphery of the central portion of the core (Figs. 1, 4 & 12); and

the body of the token has on each face a cavity (**85, 86**) into which is fixed a label carrying at least one of a decoration, a mark and a hologram (Col. 8, lines 65-67).

Regarding **claim 54**, **Chapet** discloses a generally disc-shaped token (**92**) comprising:

a body produced by a single injection of plastic material incorporating an insert (**72**) that is buried during injection in the plastic material of a central portion of said body and a contactless electronic microchip identification device (**74, 76**) (Col. 1, lines 6-15, 20-27, Col. 4, lines 44-48, Col. 5, lines 3-16 & Col. 10, lines 12-29 & 34-39);

a periphery of the central portion of said body comprising a plurality of openings into which project portions of the insert including said electronic microchip identification device (Col. 1, lines 6-15, 20-27, Col. 8, lines 5-51, Col. 10, lines 12-29 & Fig. 12); and

said portions of the insert projecting through said openings being sufficiently strong to hold the insert in place during injection of the body of the token (Col. 8, lines 44-53).



Regarding **claim 55**, **Chapet** discloses the token according to claim 54, wherein the central portion of the body of the token has on each face a cavity (**85**, **86**) in which is disposed and fixed a label carrying at least one of a decoration, a mark and a hologram (Col. 8, lines 65-67).

Regarding **claim 56**, **Chapet** discloses the token according to claim 39, wherein said token comprises colored plastic materials obtained from at least one basic polymer selected from the group consisting of: polymethyl methacrylate (PMMA); acrylonitrile-butadiene-styrene (ABS); polyamides and copolymers thereof; polyacetal and acetal copolymers (POM/polyoxymethylene); phenylene polysulfide (PPS); polyalkylene terephthalates; thermoplastic polyurethanes (PUR); vinyl polymers; and polyolefins (Col. 6, lines 9-23, 44-67 & Col. 9, lines 1-9).

Regarding **claim 57**, **Chapet** discloses the token according to claim 39, comprising a body produced by injection of plastic material and having a diameter one of, greater than or equal to 39 mm and a maximum thickness that does not exceed 3.3 mm, the thickness of the central portion of the body being of the order of 2.5 mm (Col. 9, lines 48-52).

Regarding **claim 58**, **Chapet** discloses the token according to claim 39, wherein the token is one of a gaming chip or a casino chip (Col. 8, lines 5-8).

Regarding **claim 59**, **Chapet** discloses the token according to claim 40, wherein, in the first injection, the core defines at least part of the annular peripheral portion of the token and the edge of the token by way of radial peripheral projections that are not grouped (Col. 8, lines 33-51 & Figs. 4 & 12).

Regarding **claim 60**, **Chapet** discloses the token according to claim 41, wherein the radial peripheral projections that are grouped are evenly distributed in a circumferential direction and extend on either side of said body and axially over the edge (Col. 1, lines 6-15, 20-27, Col. 8, lines 5-51, Col. 10, lines 12-29 & Figs. 4, 7 & 12).

Regarding **claim 61**, **Chapet** discloses the token according to claim 59, wherein the radial peripheral projections that are not grouped are evenly distributed in a circumferential direction and extend on either side of said body and axially over the edge (Col. 1, lines 6-15, 20-27, Col. 8, lines 5-51, Col. 10, lines 12-29 & Figs. 4, 7 & 12).

Regarding **claim 64**, **Chapet** discloses the token according to claim 56, wherein the polyalkylene terephthalates is polybutylene terephthalate (PBT), the vinyl polymers are polyvinyl chloride (PVC), and the polyolefins are at least one polymer selected from the group consisting of polyethylenes (PE) and polypropylenes (Col. 6, lines 9-23 & 44-67).

### ***Conclusion***

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paultep Savusdiphol whose email address is paultep.savusdiphol@uspto.gov.

If attempts to reach the examiner by email are unsuccessful, the examiner's telephone number is (571) 270-1301. The examiner can normally be reached between the hours of 8am and 4:30pm (EST), Monday thru Friday.

If ALL attempts to reach the examiner are unsuccessful, the examiner's supervisor, Michael G. Lee can be reached at (571) 272-2398. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/PS/  
/Paultep Savusdiphol/  
Patent Examiner  
AU 2876

/Michael G Lee/  
Supervisory Patent Examiner, Art Unit 2876